

REMARKS

Claims 18-20, 22-37, 39 and 41-45 are currently pending in this application. Claims 18, 19, 24, 25, 27-32, 34, 39, 41, 42, 44, and 45 have been amended. More specifically, claims 18, 27, 32, and 41 have been amended to clarify certain features of these claims to expedite prosecution of this application, and without prejudice or disclaimer of pursuing the subject matter of these claims in unamended or other forms in a continuation or other application. Claims 19, 24, 25, 28-31, 34, 39, 42, 44, and 45 have been amended merely to improve the readability of these claims, and not for any reasons related to patentability. No claims have been added or canceled in this response.

In the Office Action mailed January 23, 2009, pending claims 18-20, 22-37, 39 and 41-45 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) Claims 18-20, 22, 26, 27, 32, 39, and 41 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,445,654 to Hayakawa et al. ("Hayakawa");

(B) Claims 28, 29, 33, 34, 37, 42, and 43 were rejected under 35 U.S.C. § 103(a) over the combination of Hayakawa and the Examiner's Official Notice; and

(C) Claims 23, 30, 35, and 44 were rejected under 35 U.S.C. § 103(a) over the combination of Hayakawa and U.S. Patent No. 6,202,008 to Beckert et al. ("Beckert"); and

(D) Claims 24, 25, 31, 36, and 45 were rejected under 35 U.S.C. § 103(a) over the combination of Hayakawa and U.S. Patent No. 6,438,638 to Jones et al. ("Jones").

The undersigned attorney and his colleague, Aaron Poledna, wish to thank the Examiner for engaging in a telephone conference on March 9, 2009, to discuss the present Office Action, the applied references, and the pending claims. The applicants request that this paper constitute the applicants' Interview Summary. If the Examiner notices any deficiencies in this regard, he is encouraged to contact the undersigned attorney to correct such deficiencies.

The following remarks summarize and expand upon the results of the March 9th telephone conference, and they also reflect the agreements reached between the undersigned attorney and the Examiner during the telephone conference. For example, the following remarks reflect the Examiner's acknowledgement that the applied reference Hayakawa fails to disclose or suggest all of the features of amended claim 18.

A. Response to the Section 102 Rejection of Claims 18-20, 22, 26, 27, 32, 39, and 41 (Hayakawa)

Claims 18-20, 22, 26, 27, 32, 39, and 41 were rejected under 35 U.S.C. § 102(b) over Hayakawa. As stated above, the Examiner acknowledged during the March 9th telephone conference that Hayakawa cannot support a Section 102 rejection of amended independent claim 18. Accordingly, in light of this agreement, the Section 102 rejection of claim 18 should be withdrawn.

Claim 18 is also patentable over Hayakawa under Section 103 because a person of ordinary skill in the art would not modify Hayakawa according to the features of amended claim 18. For example, a person of ordinary skill in the art would not modify Hayakawa to "transmit processed audio and/or video data from the memory card via the data bus through the output port on the optical drive to an audio and/or video output device in the absence of an optical storage disk in the optical drive," as recited in claim 18, because such a modification would frustrate at least one purpose of Hayakawa. More specifically, Hayakawa is directed to a DVD video player that reads replacement information from flash memory during initial periods when the optical disk drive is unavailable (e.g., in a standby mode, recording mode, etc.). When the optical disk drive

becomes available, the DVD video player switches from the flash memory to the optical disk drive to continue outputting the same information, thereby "compensating [for] the slowness in the mechanical operation of an optical disk drive." (Hayakawa, 1:46-48. See also, Abstract, 4:11-35, and 12:32-51.) Accordingly, claim 18 is also patentable over Hayakawa under Section 103.

Claims 19, 20, 22, and 26 depend from base claim 18. Accordingly, the Section 102 rejection of claims 19, 20, 22, and 26 should be withdrawn for at least the reasons discussed above with reference to base claim 18, and for the additional features of these dependent claims.

Independent claims 27, 32, and 41, as amended, include several features generally similar to those of claim 18. Accordingly, the Section 102 rejection of claims 27, 32, and 41 should be withdrawn for at least the reasons discussed above with reference to claim 18, and for the additional features of these independent claims.

Claim 39 depends from base claim 32. Accordingly, the Section 102 rejection of claim 39 should be withdrawn for at least the reasons discussed above with reference to base claim 32, and for the additional features of this dependent claim.

B. Response to the Section 103 Rejection of Claims 28, 29, 33, 34, 37, 42, and 43 (Hayakawa and the Examiner's Official Notice)

Claims 28, 29, 33, 34, 37, 42, and 43 were rejected under 35 U.S.C. § 103(a) over the combination of Hayakawa and the Examiner's Official Notice. Claims 28 and 29 depend from base claim 27, claims 33, 34, and 37 depend from base claim 32, and claims 42 and 43 depend on base claims 41. The Office Action relies on the Examiner's Official Notice for disclosing decompressing devices and various audio and video file formats. (Office Action p. 8.) Even assuming for the sake of argument that this is correct (which the applicants expressly do not concede), the Examiner's Official Notice fails to cure the above-noted deficiencies of Hayakawa to support a Section 103 rejection of base claims 27, 32, and 41. Accordingly, claims 28, 29, 33, 34, 37, 42,

and 43 are allowable over the combination of Hayakawa and the Examiner's Official Notice for at least the reason that these references, either alone or in combination, fail to disclose or suggest all of the features of base claims 27, 32, and 41, and the additional features of corresponding dependent claims 28, 29, 33, 34, 37, 42, and 43. Therefore, the Section 103 rejection of claims 28, 29, 33, 34, 37, 42, and 43 should be withdrawn.

C. Response to the Section 103 Rejection of Claims 23, 30, 35, and 44 (Hayakawa and Beckert)

Claims 23, 30, 35, and 44 were rejected under 35 U.S.C. § 103(a) over the combination of Hayakawa and Beckert. Claim 23 depends from claim 18, claim 30 depends from claim 27, claim 35 depends from claim 32, and claim 44 depends from claim 41. The Office Action relies on Beckert for disclosing flash memory and PCMCIA cards. (Office Action pgs. 8 and 9.) Even assuming for the sake of argument that this is correct (which the applicants expressly do not concede), Beckert fails to cure the above-noted deficiencies of Hayakawa to support a Section 103 rejection of base claims 27, 32, and 41. Accordingly, claims 23, 30, 35, and 44 are allowable over the combination of Hayakawa and Beckert for at least the reason that these references, either alone or in combination, fail to disclose or suggest all of the features of base claims 27, 32, and 41, and the additional features of corresponding dependent claims 23, 30, 35, and 44. Therefore, the Section 103 rejection of claims 23, 30, 35, and 44 should be withdrawn.

D. Response to the Section 103 Rejection of Claims 24, 25, 31, 36, and 45 (Hayakawa and Jones)

Claims 24, 25, 31, 36, and 45 were rejected under 35 U.S.C. § 103(a) over the combination of Hayakawa and Jones. Claims 24 and 25 depend from base claim 18, claim 31 depends from base claim 27, claim 36 depends from base claim 32, and claim 45 depends from base claim 41. The Office Action relies on Jones for disclosing secure digital cards and adapters for memory cards. (Office Action, pgs. 11 and 12.)

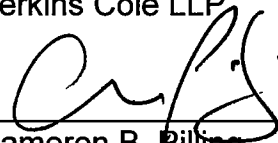
Even assuming for the sake of argument that this is correct (which the applicants expressly do not concede), Jones fails to cure the above-noted deficiencies of Hayakawa to support a Section 103 rejection of base claims 27, 32, and 41. Accordingly, claims 24, 25, 31, 36, and 45 are allowable over the combination of Hayakawa and Jones for at least the reason that these references, either alone or in combination, fail to disclose or suggest all of the features of base claims 27, 32, and 41, and the additional features of corresponding dependent claims 24, 25, 31, 36, and 45. Therefore, the Section 103 rejection of claims 24, 25, 31, 36, and 45 should be withdrawn.

Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Cameron Pilling at (206) 359-6123.

Respectfully submitted,

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